THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24560 OF 2006

Date: 27-11-2006

Between:
Boggaqrapu Ramamurthysetty,
S/o Appalaraju, aged 69 years,
R/o D.No.11-1-2, Main Road,
Anakapalli, Visakhapatnam District.

... Petitioner.

And

1.Anakapalli Municipality,
rep. by its Commissioner,
Anakapalli, Visakhapatnam District.

... Respondent.

* * *

ORDER:

The matter is coming up for admission. Heard Sri G.L.Nageswara Rao, learned counsel for the petitioner and Sri Sri S.Nageswara Reddy, learned Standing Counsel representing the respondent.

2. The writ petition is filed for a writ of Mandamus declaring action of the respondent in not passing any order on the representation of the petitioner dated 28.6.2005 which was made for higher compensation, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to act in accordance with law and grant such other

suitable reliefs.

3. It is stated that the petitioner is a resident of D.No. 11-1-2, Main road, Anakapalli, Visakhapatnam District, and the respondent issued a notice to the petitioner under Sections 171 to 179 of A.P. Municipalities Act, 1965, to hand over an extent of 23.71 square metres for road widening and when the respondent is demolishing his house for the purpose of road widening even without waiting for his objections, the petitioner along with others filed Writ Petition No.11221 of 2005 and the same was disposed of on 12.05.2005. Aggrieved by the same, an appeal in W.A.No.1010 of 2005 was filed and the same was disposed of on 26.12.2005. The operative portion of the said order reads as hereunder.

> " In view of the statement made by the learned counsel for the respondent, we do not find any valid ground or justification to interfere with the order under challenge and dispose of the appeal with the direction that the respondent-municipality shall be free to take possession and utilize the land for road widening purpose in accordance with the undertakings given by the appellants. However, if excess land is to be utilized for such programme, then the same will have to be acquired by the competent authority in accordance with law."

4. Several other factual details had been narrated and it is stated that only lesser compensation had been paid though the petitioner is entitled for higher compensation. It is also stated that the petitioner made a representation dated 28.6.2005 and the respondent is not initiating any further action in relation thereto.

5. In view of the facts and circumstances, this Court is of the considered opinion that the writ petition be disposed of directing the respondent to consider and dispose of the representation of the petitioner dated 28.6.2005 as per law at an early date, preferably within a period of eight weeks, from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA, J.

Date: 27th November 2006.
BSB